

REMARKS

Priority

The Examiner acknowledged Applicants' claim for priority and noted that a certified copy of the French application was not filed. Applicants are in the process of obtaining a certified copy of the French application.

Information Disclosure Statement

The Examiner pointed out that references incorporated into Applicants' specification were not listed on the Information Disclosure Statement submitted on September 16, 2003. A Supplemental Information Disclosure Statement, which lists all references incorporated into the specification, is being submitted with this Amendment and Response.

Claim Objections

The Examiner objected to claim 1, pointing out that the term "wherein said antibradycardia therapy" should be amended to read "wherein said antibradycardia therapy." Applicants agree and have made the change suggested by the Examiner.

The Examiner also objected to claim 8, pointing out that the claim should depend from claim 7 rather than claim 6. Applicants agree and have made the change suggested by the Examiner.

Claim Rejections

Pending claims 1-9 were rejected under 35 U.S.C. § 103 as being obvious in view of the combination of U.S. Patent Nos. 5,074,308 to Sholder et al. ("Sholder") and 5,462,060 to Jacobsen et al. ("Jacobsen"). This ground of rejection should be withdrawn because even if Sholder and Jacobsen could be combined in the manner suggested by the Examiner, the combination would be missing, among other things, a first analyzing means able to recognize and discriminate the presence of a ventricular tachycardia and a ventricular fibrillation. This

feature is clearly recited in independent claim 1. Sholder discloses simply a classical pacemaker, without any antitachycardia feature. While the Sholder pacemaker may be able to recognize pacemaker mediated tachycardia, there is nothing in Sholder disclosing or suggesting means able to recognize and discriminate the presence of a ventricular tachycardia. There similarly is nothing in Sholder or Jacobsen that would suggest to one of ordinary skill in the art modifying Sholder in the manner suggested by the Examiner. The § 103 rejection therefore appears to be based on impermissible hindsight, and withdrawal of the rejection is respectfully requested.

CONCLUSION


Applicant believes all pending claims are now in condition for allowance. The Examiner is invited to call Applicant's undersigned representative if doing so would expedite prosecution.

Respectfully submitted,

Dated: _____

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By: _____



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